IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 32183 of 2007(F)

PETITIONER:

V.AJAYKUMAR,S/O. VELAYUDHAN NAIR
NURSING ASSISTANT, ESI HOSPITAL , PEROORKADA
THIRUVANANTHAPURAM.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS:

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1. THIRUVANANTHAPURAM DISTRICT CO-OPERATIVE BANK LTD, KALLAMBALAM BRANCH,REPRESENTED BY ITS BRANCH MANAGER,
THIRUVANANTHAPURAM DISTRICT CO-OPERATIVE BANK LTD,
KALLAMBALAM BRANCH-695606.

2. THIRUVANANTHAPURAM DISTRICT CO-OPERATIVE BANK LTD,ATTINGAL MORNING & EVENING BRANCH,
REPRESENTED BY ITS BRANCH MANAGER,
THIRUVANANTHAPURAM DISTRICT CO-OPERATIVE BANK LTD,
ATTINGAL MORNING & EVENING BRANCH,ATTINGAL-695614.

3. CHIRAYINKEEZHU GOVT. EMPLOYEES CO-OPERATIVE SOCIETY LTD,REPRESENTED BY SECRETARY
CHIRAYINKEEZHU GOVT. EMPLOYEES CO-OPERATIVE SOCIETY LTD,ATTINGAL-695614.

4. THIRUVANANTHAPURAM CO-OPERATIVE URBAN BANK LTD, REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM CO-OPERATIVE URBAN BANK LTD,
THIRUVANANTHAPURAM-1 .

5. CHEMBOOR SERVICE CO-OPERATIVE BANK LTD,
REPRESENTED BY ITS SECRETARY,
CHEMBOOR SERVICE CO-OPERATIVE BANK LTD,
MUDDAKAL , MUDDAKKAL P.O.THIRUVANANTHAPURAM-695103

6. SUPERINTENDENT, E.S.I HOSPITAL
PEROORKADA,THIRUVANANTHAPURAM-695005.

BY ADV. SRI.GEORGE POONTHOTTAM
SRI.JAIBY PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC32183/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE REQUEST OF THE PETITIONER BEFORE THE 6TH RESPONDENT DATED 6/10/07.

EXT.P2: COPY OF THE SHOW CAUSE NOTICE DATED 10/10/07.

EXT.P3: COPY OF THE REPLY OF THE PETITIONER TO EXT.P2.

/TRUE COPY/

P.A. TO JUDGE

THOTTATHIL B.RADHAKRISHNAN, J.

W.P.(C).No.32183 of 2007

Dated this the 5th day of December, 2007

JUDGMENT

The petitioner while working as Nursing Assistant in E.S.I. Hospital, Thiruvananthapuram was benevolent to stand as a guarantor for loan transactions, which has resulted in recoveries, invoking Section 37 of the Kerala Co-operative Societies Act, whereby, a portion of the petitioners emoluments is intended to be recovered. According to him, he is now aged 42 years old, is physically handicapped and has a family to maintain. I find no error of jurisdiction or legal infirmity in the impugned proceedings. However, having regard to the different aspects of the situation, it is directed that the recovery from salary of the petitioner on account of the debts due as a guarantor would stand pegged at 60% of the amounts, now being deducted, per month. The amounts so deducted shall be

promptly credited to the accounts of the creditor institution separately in equal amounts. This shall be without prejudice to the right of the creditors to move against the other debtors and also further against the petitioner, if the debts remained unsatisfied.

The writ petition is disposed of as above.

THOTTATHIL B.RADHAKRISHNAN,
JUDGE

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